

CALIFORNIA STATE PERSONNEL BOARD MEETING
Los Angeles Airport Hilton
5711 West Century Blvd.
Los Angeles, California 90045-5631

www.spb.ca.gov

Public Session Location - Marina Room
Closed Session Location - Marina Room

TWO-DAY BOARD MEETING - OCTOBER 3-4, 2000

FULL BOARD MEETING MINUTES

OCTOBER 3, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Finance has approved payment on the Kidd/Swiden lawsuit and the State Personnel Board will be reimbursed for costs.
- B. State Personnel Board staff participated in a Joint Legislative hearing on Proposition 35.

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- C. Finance has advised Agency that General Fund Budget Change proposals cannot exceed 1% of departmental positions equivalents.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

- A. IUOE v. Kathleen Connell - Action by IUOE to compel Controller to implement Board of Adjustment decisions in two cases.
- B. Buder v. Office of Environmental Health Hazard Assessment - Action challenging State Health Questionnaire as violative of right of privacy under California Constitution.

Other

- A. Disability Task Force - Draft options letter will be shared with Board members at the next full Board meeting to garner input.
- B. Expedited Hearing Process - State Personnel Board Appeals Division is developing an expedited hearing process that will be available upon mutual request of parties who can commit to having their case heard in one day. The hearing will be scheduled within two weeks of a request and a decision will be issued within 30 days of hearing. We are seeking input from our stakeholders as to their interest in such a process and suggestions for smooth implementation.
- C. State Employee Mediation Program (SEMP) - A very successful meeting of program volunteer mediators and gatekeepers was held on September 25, 2000. The group generated ideas for marketing mediation in their own departments and was given tips from senior mediator, Larry Hoover on group mediation techniques. Larry Hoover and Elise Rose will meet with executives from CalStrs and the Department of Aging in October regarding the SEMP. An informational meeting is scheduled at the State Personnel Board on October 18, 2000.

October 3, 2000

4. NEW BUSINESS

- A. The State Personnel Board expressed its appreciation to the staff of the Department of Developmental Services for arranging an informative tour of the Lanterman Developmental Center on September 19, 2000. The Board thanked the Center for access to their executive leadership for an overview of the Center's programs and major issues.

5. REPORT ON LEGISLATION - Judy Balmain

The State Personnel Board voted on the 2001/2002 legislative proposal package.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

The Board was advised of the following:

- A. Karen Brandt, Senior Staff Counsel and Judy Balmain testified at the October 3, 2000 Joint Legislative Informational hearing, (Senate Governmental Organization Committee and Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee) on Proposition 35, "Use of Private Contractors for Engineering and Architectural Services."
- B. Final legislative action for the 1999/2000 session:
 - AB688 (Steinberg) State employment health benefits-Veto
 - AB 2222 (Kuehl) Civil rights: disability-Chaptered
 - AB 2701 (Jackson) State employees: medical exams-Veto
 - SB 1763 (O'Connell) Civil service exams: deferred testing-Veto
 - SB 2025 (Burton) SPB sponsored; State Civil Service: Persons with disabilities: Administrative proceedings-Chaptered
 - SB 2047 (Polanco) Civil Rights: outreach-Veto

6. ORAL ARGUMENT

Oral argument in the matter of OLIVER T. ALETA, CASE NO. 00-0016. Appeal from 120 calendar days suspension and reassignment. Department of Corrections.

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ACTION: No oral argument held, written argument presented and Board adopted findings of fact and conclusions of law of the Administration Law Judge.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

7. ORAL ARGUMENT

Oral argument in the matter of MARK RICK, CASE NO. 99-3965. Appeal from 30 days suspension and involuntary transfer. Department of Corrections.

ACTION: No oral argument held, written argument presented and Board adopted findings of fact and conclusions of law of the Administration Law Judge.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

8. INFORMAL MEETING WITH DEPARTMENT REPRESENTATIVES TO DISCUSS OVERTIME ISSUES

Persons Participating:

Linda Buzzini, Labor Relations, Department of Personnel Administration

Wendy Still, Chief Financial Officer, California Department of Corrections

Gary Scott, Assistant Deputy Director, Department of Developmental Services

Cindy Radavsky, Assistant Deputy Director, Department of Mental Health

Bob Schulman, Assistant Superintendent, Department of the Youth Authority

ACTION: Informal meeting held

9. THE DEPARTMENT OF TRANSPORTATION PROPOSES TO ESTABLISH THE CLASSIFICATION OF CALTRANS EQUIPMENT OPERATOR I WITH A SIX-MONTH PROBATIONARY PERIOD; TO REVISE, COMBINE AND RETITLE THE CLASSIFICATIONS OF CALTRANS EQUIPMENT OPERATOR AND CALTRANS HEAVY EQUIPMENT OPERATOR TO THE CALTRANS EQUIPMENT OPERATOR II; TO REVISE THE SPECIFICATION FOR THE CALTRANS MAINTENANCE CLASSIFICATION SERIES; TO ABOLISH THE CALTRANS HEAVY EQUIPMENT OPERATOR CLASSIFICATION; AND TO DESIGNATE THE CALTRANS EQUIPMENT OPERATOR I CLASSIFICATION AS SENSITIVE FOR THE PURPOSE OF PRE-EMPLOYMENT DRUG TESTING.

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Persons Participating:

Patricia Embly, Staff, California State Personnel Board
Lolis Padilla, Chief, Bargaining & Union Relations,
Caltrans
John Cottier, Chief, MEE0, Caltrans

ACTION: On October 4, 2000 Board adopted staff
recommendation.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

10. ORAL ARGUMENT

Oral argument in the matter of REGINALD SMITH, CASE
NO. 00-0312. Appeal from 30-calendar day's suspension.
Department of Corrections.

Persons Participating:

Chris Uyemura, Staff Legal Counsel, California
Correctional Peace Officers Association, representing
appellant
The Department of Corrections submitted written arguments

ACTION: Submitted

11. ORAL ARGUMENT

Oral argument in the matter of ROBERT BURKS, CASE NO.
98-4822P. Appeal from discrimination complaint.
Department of California Highway Patrol.

Persons Participating:

Robert Burks, appellant - Pro Per
Martin Hagan, Deputy Attorney General representing
Department of Justice

ACTION: On October 4, 2000, Board adopted findings of
fact and conclusions of law of the Administration Law
Judge.

VOTE: Bos. Alvarado, Carpenter, Elkins - Aye.

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A D J O U R N M E N T

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Public Session Location - Marina Room
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CONCURRENT BOARD MEETING MINUTES

OCTOBER 4, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member

2. ORAL ARGUMENT

Oral argument in the matter of MICHAEL CALLOWAY, CASE NO. 99-1041. Appeal from dismissal. Department of Developmental Services.

Persons Participating:

Ken Murch, Consultant, California association of Psychiatric Technicians, representing appellant
Charles McClamma, Labor Relations Specialist, representing Department of Developmental Services

ACTION: Submitted

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3. ORAL ARGUMENT

Oral argument in the matter of ERNEST LEON, CASE NO. 99-1078. Appeal from dismissal. Department of Corrections.

Persons Participating:

Theodore H. Cominos, Attorney at Law, representing
appellant

Edmund K. Brehl, Labor Relations Counsel, representing
Department of Personnel Administration

ACTION: Submitted

BOARD ACTIONS

4. STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 19,
2000

ACTION: Adopted on October 4, 2000.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

5. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 12-13)

6. ADMINISTRATIVE LAW JUDGE CASES

On October 4, 2000, the Board adopted the following
decisions presented by Elise Rose, Chief Counsel,
California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

CHIEF COUNSEL RESOLUTION

CONNIE CLOPTON, CASE NO.96-2692

Appeal from backpay

Department of Corrections

ACTION: Board denied appellant's request for backpay

October 4, 2000

PROPOSED DECISIONS

TINA GABRIALT, CASE NO. 00-1040
Appeal from 3 working days suspension
Merced County Human Services Agency
ACTION: Suspension modified to reprimand

ESTHER KAYSER, CASE NO. 99-5004
Appeal from medical demotion
Merced County Human Services Agency
ACTION: Medical demotion revoked

STAFFORD LEWIS, CASE NO. 99-5021
Appeal from dismissal
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself.

JELLEETHER M. MOORE, CASE NO. 00-1316
Appeal from 5 days suspension
Legislative Counsel Bureau
ACTION: Modified 5 days suspension to 3 days suspension

LAQUITTA R. PETERSON, CASE NO. 99-5285
Appeal from demotion
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself.

BRETT FLEMING, CASE NO. 99-4609
Appeal from 10 percent reduction in salary for 12 Months
Department of Corrections
ACTION: Reduction in salary revoked

CLARENCE WORMLEY, CASE NO. 00-1716
Appeal from 60-calendar day's suspension
Department of Corrections
ACTION: Suspension sustained

MAHMOUD OMIDSALAR, CASE NO. 00-1445
Appeal from 5 working days suspension
California State University, Los Angeles
ACTION: Suspension sustained

VALENTIN RANGEL, CASE NO. 99-4411
Appeal from 10 percent reduction in salary for 12 months
Department of Corrections
ACTION: Reduction in salary sustained

HARRY C. BARRETT, CASE NO. 00-0849
Appeal from dismissal
Department of Transportation
ACTION: Dismissal sustained

JANS KOPF, CASE NO. 00-0006
Appeal from dismissal
Department of Corrections
ACTION: Dismissal sustained

ALLEN C. JACKSON, III, CASE NO. 99-4783
Appeal from 20 working days suspension
Department of Employment Development
ACTION: 20 working days suspension sustained

STEVEN K. JONES, CASE NO. 00-0957
Appeal from dismissal
Department of Developmental Services
ACTION: Dismissal affirmed

VELVATINE SYKES, CASE NO. 99-1164
Appeal from denial of reasonable accommodation
Department of Rehabilitation
ACTION: Proposed decision adopted with a special
resolution

PETITIONS FOR REHEARING

RAMON CERVANTES, CASE NO. 00-1122P
Appeal from non-punitive termination
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

FRANCES EVANS, CASE NO. 97-0024P
Appeal from dismissal
Department of Motor Vehicles
ACTION: Petition for rehearing filed by appellant denied

SANDRA JOHNSON, CASE NO. 99-1256P
Appeal from demotion
Department of Corrections
ACTION: Petition for rehearing filed by respondent
denied

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ROBERTO E. VALDES, CASE NO. 00-0657P

Appeal from 15-calendar days' suspension

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied

CHYRL PIAZZA, CASE NO. 99-5249P

Appeal from rejection

Monterey County Department of Social Services

ACTION: Petition for rehearing filed by appellant
dismissed

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: (See pages 14-16)

8. MISCELLANEOUS APPEALS DIVISION CASES

Withholds, Voided Appointments, Rule 211 Appeals,
Petitions for Rehearing)

On October 4, 2000, the Board adopted the following
decisions presented by Linda Brooks, Assistant Executive
Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

WITHHOLD CASES

A. SONYIA ROBBINS, CASE NO. 00-0617

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

B. BRANDY L. COLE, CASE NO. 00-1647

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

C. FELIX DAVIS, CASE NO. 00-0531

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

D. JOHN M. GIZOWSKI, JR., CASE NO. 00-1788

Classification: Supervising Cook I, CF

Department of Corrections

ACTION: DENIED

E. DAVID M. GUZMAN, CASE NO. 00-0612

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Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

- F. DAVID T. HADNOT, CASE NO. 99-5199
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- G. BRANDEN D. HEITZMAN, CASE NO. 00-0495
Classification: Cadet, CHP
Department of California Highway Patrol
ACTION: DENIED
- H. CLIFFORD N. LACY, CASE NO. 00-0053
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- I. WILLIE OCHOA, CASE NO. 00-0213
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- J. JOHN PINEDA, CASE NO. 00-1790
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- K. MARIO REYES, CASE NO. 00-1717
Classification: Hospital Peace Officer I
State Personnel Board, Exam Services
ACTION: WITHDRAWN
- L. DAVID SANCHEZ, CASE NO. 00-0333
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN
- M. TERRY R. SCHARFE, CASE NO. 00-0624
Classification: Hospital Peace Officer I
State Personnel Board, Exam Services
ACTION: DENIED
- N. MARYLYN SCHELLER, CASE NO. 99-5041
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- O. DANIEL VALLEJOS, CASE NO. 00-1677

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Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

- P. CHIMENG C. VANG, CASE NO. 00-0052
Classification: Cadet, CHP
Department of California Highway Patrol
ACTION: DENIED

DISMISSALS

- Q. RICARDO AREVALO, CASE NO. 00-2403
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- R. CARY J. CATRON, CASE NO. 00-2888
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- S. MILTON D. GRAYS, CASE NO. 00-0406
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- T. LEWIS J. HICKS, CASE NO. 00-2353
Classification: Special Agent, CDC
Department of Corrections
ACTION: DISMISSED
- U. ORLANDO JOHNSON, CASE NO. 99-3487
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DISMISSED
- V. DAVID MARTINEZ, CASE NO. 99-3310
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- W. ERIC MILLER, CASE NO. 00-2315
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- X. KEVIN MOORE, CASE NO. 00-2455
Classification: Cadet, CHP
Department of California Highway Patrol

October 4, 2000

ACTION: DISMISSED

9. MEDICAL APPEALS

On October 4, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. JON C. JIRON, CASE NO. 00-0600
Classification: Parole Agent I, Adult Parole
Department of Corrections
ACTION: GRANTED
- B. JAMES P. MASUDA, CASE NO. 00-0492
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- C. JULIE POND, CASE NO. 00-0377
Classification: Cadet, CHP
Department of California Highway Patrol
ACTION: DENIED
- D. FELIPE VALLES, CASE NO. 00-1976
Classification: Medical Technical Assistant, CF
Department of Corrections
ACTION: GRANTED
- E. JEFF WILL, CASE NO. 00-1172
Classification: Cadet, CHP
Department of California Highway Patrol
ACTION: GRANTED
- F. JOSE CERVANTES, CASE NO. 00-2742
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- G. DARRYL HINES, CASE NO. 00-2797
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

DISMISSALS

- H. JORGE LOPEZ, CASE NO. 00-1974

October 4, 2000

Classification: CT Electrician I
Department of Transportation
ACTION: DISMISSED

- I. ALVINO R. MORENO, CASE NO. 00-1852
Classification: CT Landscape Maint. Worker
Department of Transportation
ACTION: DISMISSED

10. REQUEST TO FILE CHARGES CASE

On October 4, 2000, the Board took the following action presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. JOYCE HARMON, CASE NO. 00-1302
Classification: Office Assistant (G)
Department of Fish and Game
ACTION: DENIED

11. NON-HEARING CALENDAR

On October 4, 2000, the Board adopted item "A". This item was presented by Walter Vaughn, Executive Officer California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. ASSET MANAGER, DEPARTMENT OF PARKS AND RECREATION
The California Department of Parks and Recreation proposes establishment of the single position class of Asset Manager, Department of Parks and Recreation; establishment of a twelve month probationary period for the class; and approval to use the results of the examination process described in this classification proposal to establish an eligible list for the proposed new class of Asset Manager, Department of Parks and Recreation.

12. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT PATIENT ADVOCATE

- The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Assistant Patient Advocate will

be responsible for providing executive level leadership and support to the Office of the Patient Advocate and will be charged with all aspects of oversight, planning and organizing necessary for the Office to carry out its statutory mandate to advocate for enrollee/patient rights through recommendations of enforcement actions, introduction of new legislation and aggressive interactions with consumer advocacy groups to promote healthier Californians. The department indicates that the position will be at the second organizational level and will report to the Patient Advocate.

- (2) ASSISTANT DEPUTY DIRECTOR, ADMINISTRATION
The Department of Fish and Game (DFG) proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Administration (ADDA) has responsibility for directing, planning, and organizing units within the DFG's Audits Branch, Human Resources Branch, Information Technology Branch, and Office of Program Management. In addition, having been assigned the administrative functions of the Fish and Game Commission, Wildlife Conservation Board, and the San Gabrielle and Lower Los Angeles Rivers and Mountains Conservancy by the Resources Agency, the ADDA recommends policy to these entities. The department indicates that the position will be at the third organizational level and will report to the Deputy Director, Administration.
- (3) CHIEF OF LEGISLATION
The California Conservation Corps proposes to allocate the above position to the CEA category. The Chief of Legislation is involved in the policy development and decision making in the legislation area, manages the CCC's legislative program, serving as the principal liaison with the Legislature, the Governor's staff, the Resources Agency, state agencies, Local Government Corps and various associations. The department indicates that the position will be at the second organizational level and will report to the Chief Deputy Director and Director of the California Conservation Corps.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

- (1) CHIEF, FINANCIAL MANAGEMENT AND CONTROL DIVISION
The Department of Personnel Administration's request to allocate the above position to the CEA category has been approved effective August 28, 2000.
- (2) ASSISTANT DIRECTOR, OFFICE OF ENVIRONMENTAL
EDUCATION
The California Integrated Waste Management Board's request to allocate the above position to the CEA category has been approved effective September 5, 2000.
- (3) CHIEF ASSISTANT TO THE DIRECTOR
The Department of Managed Health Care's request to allocate the above position to the CEA category has been approved effective September 5, 2000.
- (4) DEPUTY DIRECTOR, STRATEGIC PLANNING DIVISION
The Department of Information Technology's request to allocate the above position to the CEA category has been approved effective September 6, 2000.
- (5) DEPUTY DIRECTOR, ADMINISTRATIVE SERVICES
DIVISION
The Department of Information Technology's request to allocate the above position to the CEA category has been approved effective September 7, 2000.
- (6) DEPUTY DIRECTOR, STATEWIDE ACQUISITION POLICY
AND OVERSIGHT DIVISION
The Department of Information Technology's request to allocate the above position to the CEA category has been approved effective September 7, 2000.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

- (1) CHIEF, DISASTER ASSISTANCE PROGRAM BRANCH
The Governor's Office of Emergency Services is requesting to refill the above position.

- D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99
- (1) CHIEF ADMINISTRATIVE OFFICER
The Department of Financial Institutions request
to refill the above position has been approved
effective September 5, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. AARON TUTER, CASE NO. 99-3383. Appeal from dismissal. Department of Corrections. (Oral argument held June 6, 2000).

ACTION: On October 4, 2000, adopted Board decision modifying dismissal to 180-days suspension.

VOTE: Bos, Carpenter, Elkins - Aye.

Alvarado and Harrigan had dissenting opinions.

2. COMPETITIVE CEA EXAMINATIONS
PROPOSAL TO AMEND EXISTING RULE 548.40 TO COMPLY WITH THE FINDING IN ALEXANDER V SPB THAT CEA EXAMINATION CANDIDATES MUST BE RANKED AND COMPARED AGAINST THE RELEVANT QUALIFICATIONS FOR THE POSITION AND ALSO AGAINST EACH OTHER. (Hearing held July 6, 2000).

NO ACTION

3. DEPUTY COMMISSIONER, BOARD OF PRISON TERMS (SAFETY) (Hearing held August 1, 2000).

NO ACTION

4. FREDERICK ROBERTSON, CASE NO. 99-3880. Appeal from dismissal. Department of Developmental Services. (Oral argument held September 6, 2000).

ACTION: On October 4, 2000, adopted Board decision modifying dismissal to 6-months suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

5. M. BRENT EDWARDS, CASE NO. 99-4422. Appeal from constructive termination. Department of Mental Health. (Oral argument held September 6, 2000).

NO ACTION

6. JAMES R. LEKSAN, CASE NO. 99-1242. Appeal from 60-day's suspension. Department of Corrections. (Oral argument held September 6, 2000).

ACTION: On October 4, 2000, adopted Board decision
revoking 60-days suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

7. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from
dismissal. Department of Mental Health. (Oral argument
held
September 6, 2000).

NO ACTION

8. MARK LOVINGTON, CASE NO. 99-3202. Appeal from 30-
calendar day's suspension. Department of Housing and
Community Development. (Oral argument held September 6,
2000).

ACTION: On October 4, 2000, adopted Board decision
revoking 30-calendar days suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

9. WILLIAM SULLIVAN, CASE NO. 99-3904. Appeal from
dismissal. Department of Corrections. (Oral argument
held
September 6, 2000).

NO ACTION

10. LINDA C. BAER, CASE NO. 99-1303. Appeal from denial of
permanent red circle rate. Department of California
Highway Patrol. (Oral argument held September 6, 2000).

ACTION: On October 4, 2000, adopted Board decision
denying appellant's appeal from denial of permanent red
circle rate as an Office Assistant II.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

11. WILLIAM WILSON, CASE NO. 99-1661. Appeal from dismissal.
Department of Corrections. (Oral argument held
September 6, 2000).

ACTION: On October 4, 2000, adopted Board decision
revoking dismissal.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

12. CHRISTOPHER RAMOS, CASE NO. 99-0458P. Appeal from 5 percent reduction in salary for 6 months. Department of Corrections.
(Oral argument held September 6, 2000).

NO ACTION

October 4, 2000

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on October 4, 2000.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.